

BOARD OF MAYOR AND ALDERMEN

October 17, 2006

7:30 PM

Mayor Guinta called the meeting to order.

The Clerk called the roll. There were fourteen Aldermen present.

Present: Aldermen Roy, Gatsas, Long, Duval, Osborne, Pinard, O'Neil,
Lopez, Shea, DeVries, Garrity, Smith, Thibault, Forest.

- 3.** Mayor Guinta welcomes State Senator Lou D'Allesandro and a delegation from Wales.

Mayor Guinta advised that this item had been cancelled as the result of the news regarding Officer Briggs. I had the opportunity to speak with State Senator D'Allesandro who agreed that this is not the appropriate time but we do have a Welch contingency in the City being hosted and I did have an opportunity to meet with them earlier this afternoon and they feel that the City has welcomed them properly and certainly send their condolences regarding Officer Briggs.

- 4.** A brief presentation by Messrs. Robert MacKenzie and Paul Borek relative to the future development of rail transportation in southern New Hampshire.

Mr. Borek addressed the Board we wanted to take this opportunity to inform you that we have been working diligently to position Manchester to benefit from preliminary discussions that are underway to accelerate redevelopment of the commuter rail service between Manchester and Lowell, Massachusetts. The Mayor has asked us to meet with an informal working group convened by Governor Lynch together with Congressman Bass and this group includes the Pan Am Railways, the Gilford Rail, as well as the Southern NH Regional Planning Commission and the Nashua Plan Commission. These early stage discussions are consistent with the recommendations of the Downtown Manchester Strategic Development Plan as well as the global economic development strategy. Rail stations and transit service have been shown to accelerate residential and commercial development in downtown's throughout the country. One plan challenges us to develop 10,000 units of housing over the next 10 years and the purpose of this is to attract sufficient demand to support downtown retail and also to create a dynamic mixed use environment to attract and retain professionals and businesses. In addition, Providence, RI is extending commuter rail service to the TF Greene Airport, and it wouldn't be a bad idea to insure that the Manchester Boston Regional Airport maintain a competitive position.

Mr. MacKenzie stated just a couple other comments. Paul and I have been working with both Frank Thomas and Kevin Dillon. Kevin Dillon is very anxious to look at getting a station for the Airport. Again, TF Greene which is perhaps our major competitor in New England is looking to get a major rail expansion to serve them directly. So I think Kevin is anxious to looking at options to get one here in Manchester that he could run a shuttle bus directly into the terminal. But I do want to stress that this may be preliminary. I know that people have talked about commuter rail for years. But it is important because our competitors, our direct competitors have and are increasing their rail service. Providence, RI, Worcester, MA, Lowell, Lawrence, Portland – ME, they're all competitors and they are all significantly increasing their service. They already have commuter rail so it is a significant economic development tool. I think it was telling that our consultant, Angelou Economics, their boss, Angelou when asked about commuter rail, he said basically the city could put their economic development program on auto pilot if they got commuter rail. So we are at the direction of the Mayor and this Board to proceed at least with discussions, just so that we don't loose out on any opportunity that might arise.

Alderman Pinard asked if they were working with the Department of Transportation of State on interstate 93. I think there is a big discussion, Alderman Gatsas, going on on the rails.

Alderman Gatsas stated I don't think there is any discussion going on about it.

Alderman Pinard stated I know there has been talk at the Department of Transportation on that.

Mr. MacKenzie stated the Department has primarily because of certain court cases they are looking at potentially putting a rail up the middle of I-93 as a future option. I'm not really sure how realistic that proposal is because there is no rail line now and it is difficult to get rail outside of the highway once you come up the middle, but State DOT is looking at that and we will be in contact with the State DOT.

Alderman Thibault stated Southern NH Planning Commission, which I sit on has been working in that direction for the last couple of years. We are hoping to see some federal funds come down the pike to help us do this.

Alderman DeVries stated do we have any idea what sort of time frame before this Board is advised of any additional information.

Mr. Borek stated I can commit to you that we will keep this Board apprised, I don't know that we have a definite time frame established yet. Other than the goal of the group is to try to pursue this in an accelerated manner given the growth in the region and the needs of the region.

Alderman DeVries stated in reference to the Airport station when and if that becomes relevant that that be referred to the Airport Committee for more definition and discussion.

CONSENT AGENDA

Mayor Guinta advises if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Approve under Supervision of the Department of Highways

- A. PSNH Pole Petition #11-1120 located on Coldwell Street.

Informational – to be Received and Filed

- B. Communication from members of the Quality Council expressing their gratitude to the Board for its generous contribution to help defray costs for the 2nd Annual Employee Appreciation BBQ.
- C. Minutes of the Mayor's Utility Coordinating Committee meeting held on September 20, 2006.
- D. Communication from the NHDES, Dam Bureau advising that it has been determined that the storm water detention basins (outlined herein) are now exempt from future regulation related to dam safety provided that the structure remains in its current configuration.

REFERRALS TO COMMITTEE

COMMITTEE ON FINANCE

- E. Resolutions:

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Ten Thousand Dollars (\$10,000) for FY2005 CIP 613205 Downtown & Economic Strategies Project.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Seventy Thousand Dollars (\$70,000) for the FY2007 CIP 214107 Community-Based Tobacco Prevention & Control Program.”

REPORTS OF COMMITTEES

COMMITTEE ON COMMUNITY IMPROVEMENT

- F. Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$10,000 for the FY2005 CIP 613205 Downtown & Economic Strategies Project, and for such purpose a resolution and budget authorization has been submitted.
(Unanimous vote)

- G. Recommending that the Board authorize acceptance and expenditure of funds in

the amount of \$70,000 for the FY2007 CIP 214107 Community-Based Tobacco Prevention & Control Program, and for such purpose a resolution and budget authorization has been submitted.

(Unanimous vote)

COMMITTEE ON HUMAN RESOURCES/INSURANCE

- H.** Recommending that updates be made to the Public Health Director class specification and for such purpose an ordinance is submitted for adoption.
(Unanimous vote)
- I.** Recommending that revisions to Ordinance 33.047 (Probationary Period) and Ordinance 33.048 (Advancements Within Pay Range) be approved and for such purpose Ordinances are submitted for referral to the Committee on Bills on Second Reading for technical review.
(Unanimous vote)
- J.** Recommending that a request to amend the Deferred Compensation Plan relative to allowing participants to borrow money from their account as now allowed by the IRS be granted and approved.
(Unanimous vote)
- K.** Recommending that two Fire Department staff members (Lacey) Equipment Mechanic II and (Gillis) Electronic Systems Technician I, certification request for certification that their positions conform to RSA 100-A:1, VIII and meet the definition of “permanent fireman” be granted and approved.
(Unanimous vote)

HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN ROY, DULY SECONDED BY ALDERMAN O’NEIL, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.

- 6.** Mayor Guinta had no nominations.
- 7.** Confirmation of the nomination of Saheed Dahar to succeed Matthew J. LaPointe as a member of the Board of Trustees of Trust Funds, term to expire January 2008.

On motion of Alderman Roy, duly seconded by Alderman Long, it was voted to confirm the nomination of Saheed Dahar as presented.

- 8.** Confirmation of the nomination of Marc Montville to succeed Michael Rockwell as the labor representative to the Safety Review Board.

On motion of Alderman Roy, duly seconded by Alderman Pinard, it was voted to confirm the nomination of Marc Montville as presented.

On motion of Alderman Thibault, duly seconded by Alderman Garrity, it was voted to recess the meeting to allow the Committee on Finance to meet.

Mayor Guinta called the meeting back to order.

OTHER BUSINESS

A report of the Committee on Finance was presented recommending that Resolutions:

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Ten Thousand Dollars (\$10,000) for FY2005 CIP 613205 Downtown & Economic Strategies Project.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Seventy Thousand Dollars (\$70,000) for the FY2007 CIP 214107 Community-Based Tobacco Prevention & Control Program.”

ought to pass and be Enrolled.

On motion of Alderman Roy, duly seconded by Alderman Osborne, it was unanimously voted to accept, receive and adopt the report of the Committee.

A report of the Committee on Bills on Second Reading was presented recommending that Ordinances:

“Amending Chapter 1 Administration of the Building Code of the City of Manchester providing for increased fees.”

“Amending Chapter 150 Housing Code, Subsection 150.114 and Chapter 155 Zoning Code, Subsection 155.02 of the Code of Ordinances of the city of Manchester by providing for increased fees.”

ought to pass.

Because these ordinances are included in the FY07 budget as adopted, and revenue review for tax rate purposes is pending, the Committee recommends that the rules be suspended and the ordinances be adopted on October 17, 2006 to become effective upon adoption.

(Aldermen Duval, Lopez and Pinard in favor. Aldermen Garrity opposed. Alderman Gatsas absent.)

On motion of Alderman Roy, duly seconded by Alderman Pinard, it was voted to accept, receive and adopt the report. Aldermen Smith, Garrity, and DeVries were duly recorded in opposition.

“Amending Chapter 1 Administration of the Building Code of the City of Manchester providing for increased fees.”

“Amending Chapter 150 Housing Code, Subsection 150.114 and Chapter 155 Zoning Code, Subsection 155.02 of the Code of Ordinances of the city of Manchester by providing for increased fees.”

On motion of Alderman Roy, duly seconded by Alderman Duval it was voted to suspend the rules and place the Ordinances on their final readings at this time without referral to Committees.

On motion of Alderman Roy, duly seconded by Alderman Long, it was voted to waive the reading of the ordinances.

These Ordinances having had their final presentation on motion of Aldermen Roy, duly seconded by Alderman Long, it was voted that the ordinance pass and be Ordained.

Mayor Guinta had no State Legislative update.

- 13.** Warrant to be committed to the Tax Collector for collection under the Hand and Seal of the Board of Mayor and Aldermen for the collection of sewer charges.

On motion of Alderman Thibault, duly seconded by Alderman Lopez, it was voted to commit the warrant in the amount of \$105,441.25.

- 14.** Ordinance:

“Amending Section 33.026 (Public Health Director) of the Code of Ordinances of the City of Manchester.”

On motion of Alderman O’Neil, duly seconded by Alderman Pinard, it was voted to read by title only and it was so done.

This Ordinance having had the approval of the Human Resources/ Insurance Committee, and related report having been accepted, on motion of alderman Pinard, duly seconded by Alderman Roy, it was voted that the Ordinance pass and be Ordained.

- 15.** Bond Resolution:

“Authorizing Bonds, Notes or Lease Purchases in the amount of One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000) for the 2007 CIP 511307, JFK Coliseum Rehabilitation Project.”

On motion of Alderman Roy, duly seconded by Alderman Pinard, it was voted to read by title only and it was so done. Alderman Duval was duly recorded in opposition.

On motion of Alderman Osborne, duly seconded by Alderman Forest, it was voted that the Bond Resolution pass and be Enrolled. Alderman Duval was duly recorded in opposition.

- 16.** Resolutions:

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Ten Thousand Dollars (\$10,000) for FY2005 CIP 613205 Downtown & Economic Strategies Project.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Seventy Thousand Dollars (\$70,000) for the FY2007 CIP 214107 Community-Based Tobacco Prevention & Control Program.”

On motion of Alderman Roy, duly seconded by Alderman Thibault, it was voted to waive reading the resolutions by titles only.

On motion of Alderman Long, duly seconded by Alderman Garrity, it was voted that the Resolutions pass and be Enrolled.

TABLED ITEMS

- 17.** Report of the Committee on Bills on Second Reading recommending that Ordinance:
“Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include property currently zoned IND (Industrial) located on the south side of Gold Street east of the former Lawrence Branch of the B&M Railroad and including the following three lots Tax Map 875-14, 875-15, 875-16.”
ought to pass.
(Aldermen Duval, Lopez, Garrity and Pinard recorded in favor; Alderman Gatsas opposed.)
(Tabled 09/05/2006)

This item remained on the table.

- 18.** Report of the Committee on Bills on Second Reading recommending that Ordinance:
“Amending the Zoning Ordinance of the City of Manchester by extending the R-3 (Urban Multi-family) zoning district to include property currently zoned R-1B (Single-family) located on a portion of Tax Map 691 Lot 143-1 that will be on the north side of a proposed Gold Street Bypass and adjacent to Bradley Street and the New St. Augustin’s Cemetery.”
ought to pass.
(Aldermen Duval, Lopez, Garrity and Pinard recorded in favor; Alderman Gatsas opposed.)
(Tabled 09/05/2006)

This item remained on the table.

- 19.** Report of the Committee on Bills on Second Reading recommending that Ordinance:
“Amending the Zoning Ordinance of the City of Manchester by establishing the Lake Massabesic Protection Overlay District (LMPOD) to protect the Lake Massabesic drinking water supply in the City of Manchester.”
ought to pass as amended.
(Unanimous vote except for Alderman Gatsas who was absent.)
(Note: Informational meeting has been scheduled for Wednesday, October 25, 2006 at 6:30 PM at the Manchester Water Treatment Plant, 1581 Lake Shore Road.)
(Tabled 10/03/2006)

This item remained on the table.

Alderman Roy noted that they had welcomed the new parking manager to the City in the last couple of days and moved Items 20 and 21 off the table and refer both items to the Parking Manager. Alderman Long seconded the motion. The motion carried with Alderman Garrity recorded in opposition.

- 20.** Report of the Committee on Public Safety and Traffic recommending that the Board of Mayor and Aldermen discuss approval of Saturday parking fees.
*(Aldermen Osborne, Shea and Roy voted yea. Alderman Long opposed. Alderman O'Neil absent for vote.)
(Tabled 10/03/2006)*

- 21.** Report of the Committee on Public Safety and Traffic recommending that the residential parking permit program be extended to include 1382-1414 Elm Street and 1426-1470 Elm Street and for such purpose an Ordinance is submitted with the recommendation that same be referred to the Committee on Bills on Second Reading for technical review.
*(Aldermen O'Neil, Shea and Long in favor, Alderman Osborne opposed. Alderman Roy abstained.)
(Tabled 10/03/2006)*

On motion of Long, duly seconded by Alderman Lopez, it was voted to remove the following item from the table.

- 22.** Report of the Committee on Public Safety and Traffic recommending that two metered parking spaces adjacent to the Manchester Information Center on Merrimack Street be reserved for use by the Granite State Ambassadors. The Committee notes that meters will be bagged for such purpose.
*(Unanimous vote)
(Tabled 10/03/2006)*

Alderman Long noted that prior to the Fire at the Hills building these two spots were allocated to the Granite State Ambassadors, they were really never taken back from. They requested the original spots be returned to them.

Alderman Roy noted that the two spots on Elm Street should then be relinquished.

Alderman Lopez concurred that the two spots on Elm Street would be relinquished, they only would have two spots.

Alderman Long moved to amend the report to include removing the two current spaces reserved on Elm Street to be returned to meters and to accept the report as amended for two parking spots on Merrimack Street. Alderman Lopez seconded the motion.

Alderman Shea asked how long the bags were on the meters for these people, was there a specific time, 24 hours, or what is the disposition.

Mayor Guinta stated if I may it's just during the working hours.

Alderman Shea asked what the working hours were.

Mayor Guinta stated he didn't know.

Alderman Lopez stated that some days they were there till 4:00, some days till 5:00 on Thursdays they might be there till 7:00. I think the sign if I recollect says 7PM. Depends on the activities are going on downtown, I think they were given authority the signs were until 7Pm.

Mayor Guinta stated I think it's fair to say they are governed by the activity downtown and the ability to have a volunteer at the info booth.

There being no further discussion, Mayor Guinta called for a vote. The motion carried with none recorded in opposition.

On motion of Alderman Roy, duly seconded by Alderman Forest, it was voted to remove the following item from the table.

- 23.** Report of the Committee on Public Safety and Traffic recommending that the City hire a Compliance Officer to support Solid Waste issues for the Highway Department.
(Unanimous with exception of Alderman O'Neil who was absent from the vote.)
(Tabled 10/03/2006)

Alderman Roy stated this got tabled at our last meeting and it came out of the public safety as one of the recommendations of that committee to help with the quality of life and crime in the city. I would like to get it off our agenda and put it back where it was prior to the budget process, in the hands of Frank Thomas and if his budget supports it and he gets approval from the Mayor's office that he has that ability, if not it would remain a vacant position, basically allowing the CEO and the department head to work it out and not have it sit on an agenda.

Alderman O'Neil questioned if the position existed.

Discussion ensued where it was clarified that there was not job description for the position.

On motion of Alderman Roy, duly seconded by Alderman Osborne, it was voted to refer the matter to the HR Director to work with Mr. Thomas and bring a job description to the Human Resources Committee.

24. NEW BUSINESS

Alderman Lopez noted a distribution was made of proposed procedures for filling an officer's position in the City. He stated that this was basically the same procedures adopted for the filling of the position of an officer for the Assessors and in this particular case there is

an officer's position that needs to be filled and moved to adopt the procedures as presented.
Alderman Thibault seconded the motion.

Alderman Gatsas asked the City Solicitor if he had a chance to review these and are they in place as you would see fit.

Solicitor Clark responded yes I have Alderman Lopez provided me with a copy prior to the meeting and I have read it, it does comply with the Charter requirements.

Alderman Gatsas asked if there was anything he thought they should add to it.

Solicitor Clark stated no, I believe this is the same policy we followed for the assessors and it meets the charter requirement, I don't see anything else needed.

Mayor Guinta asked if this provided for members of the public to serve on this, or is it simply members of the aldermanic board.

Alderman Lopez responded it provides for the Aldermanic Board as a Committee, doesn't mean that the committee can't have people we did it in the process, it doesn't exclude the committee has to accept the individual to guide us.

Mayor Guinta called for a vote. There being none opposed the motion carried.

Alderman Shea stated I just wanted to re-emphasize the fact that the Neighborhood Enhancement Team (NET) is doing an outstanding job. I mentioned it at the Traffic committee meeting but I think at the last meeting you indicated that you were in favor of increasing that particular department, the Building Department and I am hoping that you will do that as soon as possible because according to the statistics that I received this particular group had requests for over 47 different problems within the City and I'm sure because of the publicity given to it they are receiving more and more calls. And of course Matt Normand who's heading up that committee is doing an outstanding job as well as other members serving on that committee so I think we should try as best we can to help out Mr. Gagne as well as the other members of that committee. Because the concern is as they identify problems and as they try to solve these problems more and more problems do come up and I think that it is incumbent upon us to make sure that once these people visit these particular places that are subject to health or other kinds of problems that there is monitoring because we are obviously in a changing society as we all know and things can deteriorate very quickly so I'm hoping do have any update.

Mayor Guinta stated after the last board meeting I did have a quick conversation with Mr. LaFreniere and Mr. Thomas has informed me that we are scheduling a meeting with Mr. LaFreniere to address that very issue next week.

Mayor Guinta noted I handed out the savings task force report not for discussion this evening because of events today but I am going to call for a special BMA meeting on Monday, October 23rd, unless funeral for Officer Briggs is going to be held that day so we can have a discussion regarding the task force report.

Alderman Lopez stated if the departments involved could get something in writing to us before then.

Mayor Guinta stated they would distribute it to departments in the morning and ask for responses from them.

Alderman Shea stated I would like the impacts that might be felt from people regarding these considerations.

Alderman Lopez stated just so we can move forward, the school situation for the police officers, I noticed conversation went on at the school department, that's all set. The officers are going to go in.

Mayor Guinta responded it is all set, if we could try to have that discussion at the next board meeting at the moment what the school board voted on was to bring the SRO's back in obviously they are requesting assistance financially, this doesn't need to be a decision from this board today regardless the SRO's are going back in the schools.

There being no further business to come before the Board, on motion of Alderman Pinard, duly seconded by Alderman Roy, it was voted to adjourn.

A True Record. Attest.

City Clerk